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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,730

03/18/2004

Edward P. Busam

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EXAMINER

ADDISU, SARA

ART UNIT

PAPER NUMBER

3724

NOTIFICATION DATE

DELIVERY MODE

03/07/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketadministrator@mwv.com

Office Action Summary	Application No. 10/803,730	Applicant(s) BUSAM ET AL.	
	Examiner SARA ADDISU	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/18/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-25,31-33 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25,31-33 and 45-50 is/are allowed.
- 6) ☒ Claim(s) 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/22/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/10 has been entered.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,
 - the “pocket being opened from either of said first and second sides by releasing only one of said first and second releasable fastening mechanisms” (as claimed in claims 46) must be shown or the feature(s) canceled from the claim(s).
 - the “first releasable fastening mechanism positioned on said first panel” (as claimed in claims 48) must be shown or the feature(s) canceled from the claim(s). (see 112 rejection for further explanation).
 - the “second releasable fastening mechanism positioned on said second panel” (as claimed in claims 49) must be shown or the feature(s) canceled from the claim(s). (see 112 rejection for further explanation).

No new matter should be entered. (SEE 112 rejection for further explanation).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 48 and 49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- Claim 48 recites “a first releasable fastening mechanism positioned on said first panel or between said first panel and said first cover...”.

Applicant should note that as shown in figure 2, the first fastening mechanism 54 is located between the first panel 40 and the first cover 12 but not “on said first panel” as claimed in a portion of the claim.

- Claim 49 recites “a second releasable fastening mechanism positioned on said second panel or between said second panel and said first cover...”. Applicant should note that as shown in figure 5, the second fastening mechanism 64/66 is located between the second panel 42 and the first cover 12 but not “on said second panel” as claimed in a portion of the claim.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 51 (line 16) recites the limitation “said first cover”. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 51 (line 17) recites the limitation "said inner surface". There is insufficient antecedent basis for this limitation in the claim.
5. Claims 22, 33 and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claim 22 (lines 7-8) recites "...at least portions or tabs of said second panel extending outwardly beyond said opening". Since Applicant has not defined which direction is considered to be "outward", the language of the claim makes it indefinite.
 - Claim 33 (page 4, line 5) recites "...said rear panel includes a protruding portion that protrudes outwardly beyond said opening". Since Applicant has not defined which direction is considered to be "outward", the language of the claim makes it indefinite.
 - Claim 51 (line 20) recites "... a protruding portion that protrudes outwardly beyond said opening". Since Applicant has not defined which direction is considered to be "outward", the language of the claim makes it indefinite.
 - Claim 51 (lines 14-15) recite "...said first planar component includes an opening and said pocket is positioned in said opening..". Further review of the Specification or drawings do not make it clear to the Examiner what is meant by "said pocket is positioned in said opening". As shown in

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for e.g. figure 5, the pocket 36 is not positioned in said opening 34. For the purpose of this Office Action, Examiner interprets it to mean " said first planar component includes an opening and said pocket is received in said opening..".

Claim Objections

6. Claim 51 is objected to because of the following informalities:

- line 16 recites "said first cover". Examiner believes this was supposed to recite "said first planar component".
- line 17 recites "said inner surface". Examiner believes this was supposed to recite "said inner side".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

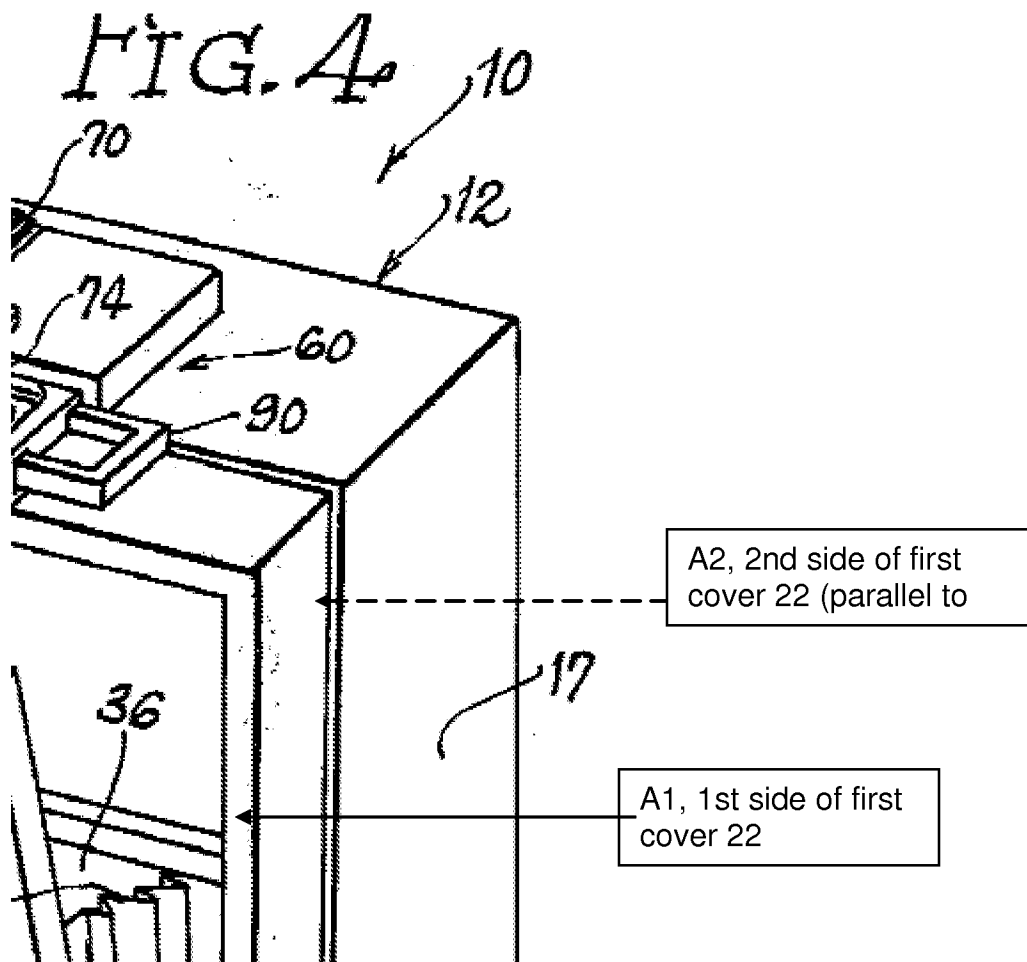
7. Claim 51, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Malooly (USP 3,912,055).

MALOOLY teaches a first generally planar cover/component (22) pivotally coupled to a second generally planar cover/component (12), both of said covers being generally flat and planar; said first cover/component including an opening (36) and having a first side (A1) and a second side (A2 being parallel to A1: see figure below); and a pocket coupled to said first planar cover/component and generally received in said opening, said pocket including a front/first panel (26) and a second/rear panel (42) defining a pocket cavity there between, said first/front panel (26) being larger than said opening (see figures 1 and 4) and at least portions or tabs (54) of the second panel (42) extending outwardly/to the side beyond said opening (see figures 1-4 and col. 3, lines 5-20). Furthermore, regarding claim 22, MALOOLY teaches the second panel (42) is preferably provided with stop means to engage the ledges or stop elements (50), so as to prevent the second panel (42) from swinging out of the first cover (22) ('055, col. 3, lines 7-10). Figure 1, shows the first/front panel (26) pivoting independently and figure 3 shows the second/rear panel (42) pivoting independently. MALOOLY also teaches a first releasable fastening mechanism (32) positioned to releasably join said first panel (26) and said first side of said first cover (22) (see figures 1 and 4). MALOOLY also teaches in figure 1, the pocket and its cavity being accessed from the outside and in figure 3, the pocket being accessed from the inside of the first cover. MALOOLY also teaches when the first panel fastening mechanism (32) is undone, the first/front panel (26) can be pivoted away from the front cover/component (22) to its position shown in figure 1 whereby this configuration, the first panel (26) pulls the side panels (46) and portions of the pocket and pocket cavity through the opening (36) of the front cover (22)

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such that generally all of the pocket cavity is located on the first side (A1) of the first cover (22) and generally no portion of the pocket cavity is located on the second side (A2) of the first cover (22) thus, portions of the pocket and pocket cavity are pulled to the first side (A1) of the first cover (22) such that the pocket cavity can be accessed and components can be placed into and removed from the pocket /pocket cavity by a user without having to reach through or break a plane formed by the first cover (22).

Similarly, when it is desired to access the pocket from the second side (A2) of the first cover (22), the second panel (42) is pivoted inwardly (as shown in figure 3) thereby pulling portions of the side panels (46) and pocket cavity through the opening (36) such that in this manner, portions of the side panels (46) and pocket cavity are located on the second side (A2) and inwardly of the plane of the first cover (22) so that components can be added to or removed from the pocket cavity without a user having to reach to the first side (A1) or reach across or break the plane of the first cover (22). In this position, generally the entire pocket cavity is located on the second side (A2) of the first cover (22). Please note that, although MALOOLY is a suitcase and not a binder, Examiner stresses that it functions the same way as a binder which is to act as a means of storage thus reads on the claims. Furthermore, MALOOLY teaches said rear/second panel (42) being located on the inner side of the first cover/component while the front/rear panel (26) being located on the outer side of the first cover/component (see figures 3 & 4).



Allowable Subject Matter

1. Claims 22-25, 31- 33 and 45-50 are allowed.

Please note: the 112 rejection of allowed claims need to be resolved before issuance.

Response to Arguments

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/
Examiner, Art Unit 3724
2/24/11

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724